

MIAMI BEACH

PLANNING DEPARTMENT

Staff Report & Recommendation

Planning Board

TO: Chairperson and Members
Planning Board

DATE: October 9, 2015

FROM: Thomas R. Mooney, AICP
Planning Director



SUBJECT: **PB File No. 2275. 4121 Indian Creek Drive through 5101 Collins Avenue. (Indian Creek Waterway from 41st Street to 51st Street).**

The applicant, Yachting Promotions, Inc. is requesting Conditional Use approval to install temporary floating docks, temporary pilings and temporary ramps adjacent to the existing seawall of the Indian Creek Waterway from 41st Street to 51st Street; also to install 3 floating refreshment barges, food and beverage concessions, and temporary restroom trailers for the 2016 Yacht and Brokerage Show scheduled for February 11-15, 2016, pursuant to Article IV Section 118, and Article III Section 66-113.

RECOMMENDATION

Approval with conditions

BACKGROUND

For the last several years that the Yacht and Brokerage Show has been coming to Miami Beach, the show has been taking place at the same location on Collins Avenue/Indian Creek Drive from approximately 41st Street to 51st Street. The Yacht and Brokerage Show operates under a Special Event Permit from the City, but requires a yearly Conditional Use Permit because the temporary docks and pilings project more than 40 feet from the seawall.

ZONING/SITE DATA

Section 66-113 of the City Code specifies that if mooring piles are to be placed greater than 40' from the bulkhead, Conditional Use approval is required from the Planning Board.

Legal Description: Various

Zoning: The subject property is located in the WD-1 Waterway District, facing zoning districts RM-2, RM-3 and GU to the east and RM-3, RS-1, RS-2 and GU on the west side of the waterway.

Land Uses: The uses along the Waterway district include the rental and charter of pleasure boats. East of the site are residential multi-family buildings, large scale hotels and public parking. To the west of the property, across Indian Creek Waterway, are detached, single family residences with private docks mostly, and one high rise condominium building on 41 Street.

CONDITIONAL USE REVIEW PROCEDURES

Conditional Uses may be approved in accordance with the procedures and standards set forth in the City Code Art. 4, Sec. 118-191 and Sec. 118-192:

- 1. The Use is consistent with the Comprehensive Plan or Neighborhood Plan if one exists for the area in which the property is located:**

Consistent - Temporary wet dockage of watercraft is consistent with the Conservation and Coastal Management Element. No Comprehensive Plan Amendment is required for this application.

- 2. The intended Use or construction will not result in an impact that will exceed the thresholds for the levels of service as set forth in the Comprehensive Plan:**

Partially Consistent - Although the proposed temporary use will increase the demand on the Level of Service (LOS) for the surrounding area to a higher than normal level with regard to traffic, this is temporary only and is proposed to be mitigated to the maximum extent possible by the use of shuttle buses for off-site parking.

- 3. Structures and Uses associated with the request are consistent with this Ordinance;**

Consistent - The proposed temporary use will not require any variances.

- 4. The public health, safety, morals, and general welfare will not be adversely affected;**

Consistent – Over the years, Planning Department staff has been recommending conditions which seek to address previously raised concerns regarding boat traffic safety and environmental issues. The project will also be required to obtain a Special Event Permit prior to the use of the municipal property at 4600 Collins Avenue and the municipal parking lot across the street, immediately north of the Eden Roc Hotel. The operation of this event must be performed in a safe and environmentally acceptable manner. In addition, staff is recommending a condition that prevents bare Styrofoam from being exposed to the water.

- 5. Adequate off-street parking facilities will be provided.**

Consistent - The applicant contracts with the City to utilize large municipal parking lots at 4601 Collins Avenue, 5301 Collins Avenue, and to incorporate the use of a shuttle service to transport patrons to and from the event from other municipal lots at 67th, 71st, 79th, 81st and 84th Streets. Shuttle buses will run from all the parking lots to the show site and also to and from the Convention Center starting one hour before and one hour after the show's operating hours, during all five days.

- 6. Necessary safeguards will be provided for the protection of surrounding property, persons, and neighborhood values.**

Consistent - The temporary docks (and all other temporary construction associated with the request) will be constructed in accordance with all applicable Building Codes and should not cause any long-term or permanent adverse affects to the surrounding area

and bay bottom due to the temporary nature of the request. It will be the responsibility of the applicant to correct any deficiencies to the existing marine structures located on the site. The applicant will also be required to clean-up all trash and debris on the land and in the water during and after the event.

7. **The concentration of similar types of uses will not create a negative impact on the surrounding neighborhood. Geographic concentration of similar types of conditional uses should be discouraged.**

Consistent - The temporary docks are a once-a-year event.

STAFF ANALYSIS

The request to construct temporary floating docks for the Boat Show has been a yearly event before the Board for more than 20 years. This request is a similar application, and represents the same area, as previously approved. The proposed project consists of the installation of floating dock units attached to temporary pilings and temporary ramps. The temporary docks will extend along the out lots of Indian Creek Drive from the intersection of 41st Street and Collins Avenue, through 51st Street and Collins Avenue.

The entire marine structure, including the mooring piles, will measure approximately 4,900 linear feet with a proposed 412 ft. (approximate) maximum projection into the waterway. The docked pleasure crafts will not extend beyond the mooring piles. The channel clearance between these temporarily moored vessels and a point approximately 20 ft. (at its narrowest point) water ward of the west seawall of Indian Creek is proposed to be approximately 80 feet continuously along the show area. The large vessels will be brought in via the Indian Creek Waterway, and subject to U.S. Coast Guard approval, operations of the 63rd Street bridge will be restricted from its normal "on demand" opening schedule during set-up and breakdown of the event. Additionally, during setup and breakdown, the two western lanes on Indian Creek Drive/Collins Avenue will have to be closed for the safe operation of cranes, trucks, etc. See the Lane Closure & Bascule Bridge Opening Schedule included with the application.

As previously indicated, the show will take place from February 11 through February 15, 2016. Installation of equipment will begin January 18, 2016 and removal is expected to be complete by February 29, 2016. Parking will be provided at the municipal parking lots located at 4601 Collins Avenue, 5301 Collins Avenue, as well as at Collins Avenue and 67th, 71st, 79th, 81st and 84th Streets; a shuttle bus service will transport patrons to and from the event from these municipal parking lots and they will also pick up patrons from the Convention Center. Shuttle buses will run from all the parking lots to the show site starting one hour before and one hour after the show's operating hours, during all five days.

There have been concerns with Styrofoam breaking off from the floating docks and polluting waterways and waterfront parcels. As a result, staff is recommending a condition that prevents bare Styrofoam from being exposed to the water. The proposed conditions would require that floating docks be fully encapsulated, that a marine safe epoxy coating be used to seal all portions of the Styrofoam to prevent pieces from breaking off, or for a waterproof tarp to be secured to the bottom of each dock that fully encapsulates the Styrofoam.

The Marine and Waterfront Protection Authority Committee approved the 2016 event on August 11, 2015. Staff has asked a representative of the Marine Patrol to be present at the October 9, 2016 meeting.

STAFF RECOMMENDATION

In view of the foregoing analysis, staff recommends that the request for Conditional Use be GRANTED, subject to the following conditions:

1. The subject conditional use is approved for the 2016 Yacht and Brokerage Show event only, which shall commence with set up operations no earlier than January 18, 2016, shall be open to the public from February 11 through February 15, 2016, and shall complete removal of all equipment by February 29, 2016, as proposed by the applicant. Such approval is subject to the conditions below:
 - a. This approval is granted to Yachting Promotions, Inc., only, as the operator of the Yacht & Brokerage Show; any change in the operator of the subject temporary docks shall not be permitted. Any change in operator shall be considered as a new application.
 - b. The applicant shall obtain a building permit for the installation of the temporary docks and pilings. The plan, design and construction shall meet the applicable Florida Building Code and Florida Accessibility Code Regulations and shall be approved by all the federal, state, county and municipal agencies that may have jurisdiction over this project, including but not limited to the U.S. Army Corps of Engineers, Miami-Dade County Department of Regulatory and Economic Resources (DERM) and the State of Florida Department of Environmental Protection (FDEP) as they may apply, prior to the issuance of a Building Permit.
 - c. The applicant shall obtain a Special Event Permit from the Department of Tourism & Cultural Development of the City of Miami Beach for the operation of the 2016 Boat Show. The Special Event Permit shall be a prerequisite to obtaining all permits that may be required.
 - d. The subject CUP for the 2016 Yacht and Brokerage Show shall be limited to the area from the intersection of 41st Street and Indian Creek Drive to 5101 Collins Avenue as shown on the survey submitted by the applicant, and shall not extend further north or south of these limits.
 - e. The applicant shall provide a revised site plan, drawn to scale, showing the proposed set-up of all floating docks for the show, including revisions as may be specified by the Planning Board, prior to the issuance of a Building Permit for the temporary docks and mooring piles; the site plan shall be approved by the Planning Director or his designee. The navigable channel for the 2016 event shall be shown continuously at 80 ft. in width throughout the entire length of the channel. In the event the 80 ft. channel appears to be inadequate, the City Manager or his designee may require a wider channel at a width deemed necessary in consultation with the City's Marine Authority, DERM and FDEP. Under no circumstances shall the 80 ft. wide channel be blocked by stationary marine vessels.
 - f. The applicant shall coordinate installation of pilings and supply of power to the site with Florida Power and Light Company (FPL).
 - g. The project shall include the installation of electric lights at the north and south ends of the temporary dock and navigational reflectors on the perimeter mooring piles. Said electric lights shall be installed with a natural light sensor switch to ensure their

illumination during the dusk to dawn hours of darkness. The appropriate location of the lights and reflectors shall be indicated on the site plan prior to the issuance of a Building Permit.

- h. The applicant shall remove and replace any concrete or asphalt surfaces damaged during show set-up and break-down; said repairs shall occur within thirty (30) days after the dismantling of the event.
- i. Subject to Coast Guard approval, operation of the 63rd Street bridge shall be restricted from its normal "on demand" opening schedule. During the set-up and breakdown periods of the event, the 63rd Street Bridge shall open on signal from 10:00 am to 2:30 p.m. on weekdays and 9:00 a.m. to 3:00 p.m. on weekends from Wednesday, February 3 through Wednesday February 10, 2016 during the set-up; and from Tuesday, February 16 through Thursday, February 18, 2016 during the break-down. The draw bridge shall only open on the hour for a maximum period of 10 minutes at a time. The applicant shall strive to bring yachts into and out of the Boat Show docking areas in the early morning hours. The applicant shall adhere to the incoming and outgoing boat traffic schedule, as set forth by the Marine Patrol.
- j. The 2016 Yacht & Brokerage Show schedule for Land Closure and Bascule Bridge Opening, submitted by the applicant, is attached to this Conditional Use Permit and made part of this Condition.
- k. The applicant shall install, at its expense, two (2) temporary electronic signs at key roadway intersections (including the 41st Street area) informing the public of the 63rd Street Bridge operations; said installation shall be made at least 24 hours prior to commencing set-up and 24 hours prior to commencing break-down. An advertisement shall be placed in the Miami Herald newspaper informing the public of same.
- l. Marine vessels participating in the Yacht and Brokerage Show event shall abide by all applicable marine regulations, including, but not limited to, speed limits, wake area restrictions, right-of-way courtesy, etc, especially in the area of the Miami Beach Rowing Club at 65th Street and Indian Creek Drive. The applicant shall inform, in writing, all participating Boat Show captains of this requirement. Failure to comply with this provision will be automatic grounds for revocation of this Conditional Use approval.
- m. No vessel shall come in or leave when the Marine Patrol is not present to regulate the boat speed/wake to ensure wakes do not adversely impact owners/residents' property and vessels. Arrival and departure of all vessels shall be strictly coordinated with the City of Miami Beach Marine Patrol.
- n. Large yachts with a draft greater than 4 ft. participating in the event shall not leave their temporary mooring during the event days of February 11 through February 15, 2016 and shall only arrive during set-up and depart during break-down of the event at high tide. The applicant shall coordinate with the arrival and departure of vessels with the City of Miami Beach Marine Patrol at least 15 days prior to set-up.
- o. All participating show boats shall travel to and from the temporary marine docks at idle speed.

- p. The applicant shall staff the site with professional security officers to provide security 24 hours per day throughout the immediate surrounding area of the event, especially for the private existing docks and properties along the western seawall of the Indian Creek Waterway, beginning with move-in through move-out. Security guards shall be supplemented with off duty Miami Beach Police Department officers as determined through consultation with and guidance from Police Department officials.
 - q. The applicant will coordinate and obtain approval from the Florida Department of Transportation (FDOT), with consultation and guidance from the Miami Beach Police and Fire Departments, to provide for safe operations on Collins Avenue during Show activities. Traffic control cones or other methods approved by FDOT shall be used to isolate the breakdown lane from traffic. The breakdown lane will be used for loading and unloading required for Show activities and emergency vehicle access. These areas will be clearly identified and access to them rigidly enforced to minimize traffic delays. No private vehicle parking will be authorized in the breakdown lane.
 - r. The applicant or any other participant in the event shall not offer for sale any new yacht, pleasure boat or any other marine vessel on that portion of the site which is the upland City property (parking lot at 46th Street and Collins Avenue).
 - s. The applicant shall be required to remove all trash and debris from the surrounding area and in the water daily during the event and upon completion of the removal of the temporary docks and pilings.
 - t. All floating docks shall be fully encapsulated to prevent bare polystyrene foam (Styrofoam) from being exposed to the water. In the event the applicant seeks to use un-encapsulated docks, a marine safe epoxy coating shall be applied to all such docks to seal all portions of the foam docks and to prevent foam from breaking off; alternatively, a waterproof tarp can be secured to the bottom of each dock in a manner that fully encapsulates the foam and prevents its escape into the water.
2. The Planning Board shall maintain jurisdiction of this Conditional Use Permit.
 3. Within a reasonable time after applicant's receipt of this Conditional Use Permit as signed and issued by the Planning Director, the applicant shall record it in the Public Records of Miami-Dade County at applicant's expense and then return the recorded instrument to the Planning Department. No building permit, certificate of use, certificate of occupancy, certificate of completion, or occupational license shall be issued until this requirement is satisfied.
 4. This order is not severable, and if any provision or condition hereof is held void or unconstitutional in a final decision by a court of competent jurisdiction, the order shall be returned to the board for reconsideration as to whether the order meets the criteria for approval absent the stricken provision or condition, and/or it is appropriate to modify the remaining conditions or impose new conditions.
 5. The establishment and operation of this Conditional Use shall comply with all the aforementioned conditions of approval; non-compliance shall constitute a violation of the Land Development Regulations of the Code of the City of Miami Beach, Florida, and shall be subject to enforcement procedures set forth in Section 114-8 of said Code and such

enforcement procedures as are otherwise available. In addition to the above, any failure by the applicant to comply with the conditions of this Order shall also constitute a basis for consideration by the Planning Board for a revocation of this Conditional Use.

6. Nothing in this order authorizes a violation of the City Code or other applicable law, nor allows a relaxation of any requirement or standard set forth in the City Code.

TRM/MAB/RAM

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Zoning/Site Map



City of Miami Beach Planning Board
File No. 2275
4121 Indian Creek Drive
5101 Collins Ave



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